

JAMES NALLIA, JR.
Claimant

CARRIER CORPORATION
Respondent

**INSURANCE COMPANY, STATE OF
PENNSYLVANIA**
Insurance Carrier

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ORDER

ISSUES

- “1. The Administrative Law Judge erred in her finding that medical case management should be allowed in this case.
2. The Administrative Law Judge exceeded her authority in ordering the Claimant to sign an authorization which would ‘provide the employer and its carrier and their agents with access to Dr. Rasmussen and his records. . .’

3. The Administrative Law Judge erred in not prohibiting the respondent from utilizing a medical case manager against the wishes of the Claimant."

FINDINGS OF FACT AND CONCLUSIONS OF LAW

After reviewing the preliminary hearing record and considering the brief of the respondent, the Appeals Board finds as follows:

Claimant requested the Administrative Law Judge to authorize an MRI examination of claimant's right knee as recommended by claimant's treating physician, T. J. Rasmussen, M.D. However, as evidenced by the parties' attorneys' arguments made at the May 4, 1998, preliminary hearing and the exhibits admitted therein, the real issue in this case is the medical case management provided by respondent's insurance carrier.

At the preliminary hearing, the claimant requested the Administrative Law Judge to order respondent to discontinue the medical case management of claimant's medical care and treatment. The claimant also objected to the Administrative Law Judge ordering him to sign a medical authorization which would provide the respondent and its insurance carrier with access to Dr. Rasmussen and claimant's medical treatment records.

In appeals from a preliminary hearing Order, the Appeals Board has limited jurisdiction. Therefore, before discussing the merits of claimant's arguments, the Appeals Board must first decide whether it has jurisdiction to review the Administrative Law Judge's preliminary hearing findings. Preliminary findings of an administrative law judge are not subject to Appeals Board review unless the administrative law judge allegedly exceeded his or her jurisdiction or a jurisdictional issue listed in K.S.A. 1997 Supp. 44-534a is raised.

The Appeals Board finds that none of the issues raised by the claimant are jurisdictional issues listed in K.S.A. 1997 Supp. 44-534a that grant the Appeals Board jurisdiction to review preliminary hearing findings. The second issue raised by the claimant does make a claim that the Administrative Law Judge exceeded her authority in ordering claimant to sign a medical authorization.

However, the Appeals Board finds these issues all relate to furnishing of medical compensation. The preliminary hearing statute, K.S.A. 1997 Supp. 44-534a, specifically authorizes the Administrative Law Judge to grant or deny the furnishing of medical compensation pending a full hearing on the matter. Therefore, the Administrative Law Judge did not exceed her jurisdiction when she denied claimant's request to prohibit medical care management in this matter and in ordering claimant to sign a medical authorization for the release of medical records.

WHEREFORE, it is the finding, decision, and order of the Appeals Board that the claimant's appeal in this matter, should be, and is hereby, dismissed and the preliminary hearing Order entered by Administrative Law Judge Julie A. N. Sample dated May 6, 1998, remains in full force and effect.

IT IS SO ORDERED.

Dated this ____ day of June 1998.

BOARD MEMBER

c: Davy C. Walker, Kansas City, KS
D'Ambra M. Howard, Overland Park, KS
Julie A. N. Sample, Administrative Law Judge
Philip S. Harness, Director